

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Richard Parkins,
Appellant,

v.

Warren County Board of Review,
Appellee.

ORDER

Docket Nos. 13-91-0375
13-91-0376

Parcel Nos. 13-000-20-0881
13-000-29-0231

On December 11, 2013, the above-captioned appeals came on for hearing before the Iowa Property Assessment Appeal Board. The hearing was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Appellant Richard Parkins was self-represented. Assistant County Attorney Karla Fultz represents the Warren County Board of Review. County Assessor Brian Arnold appeared on behalf of the Board of Review at hearing. The Appeal Board, having reviewed the entire record, heard the testimony, and being fully advised, finds:

Findings of Fact

Richard Parkins is the owner of two parcels of agriculturally classified land located in the Lincoln East map area of Warren County, Iowa. He appeals the Warren County Board of Review's decisions regarding the 2013 property assessments of the parcels. Both parcels are unimproved. Parcel 13-000-20-0881 (Docket 0375) is a 3.00 acre site and was valued at \$4800. Parcel 13-000-29-231 (Docket 0376) is also a 3.00 acre site and was valued at \$3300. (Exhibit B).

Parkins claimed his properties are inequitably assessed, that they are misclassified, and that there is an error in the assessment under Iowa Code sections 441.37(1)(a)(1), (3), and (4). The Board of Review denied the protests.

Parkins then appealed to this Board but now limits his claim to an error in the assessment.

The dimensions of the sites are not in the record; however, both parcels were former railroad right of ways and are very narrow strips of land adjoining each other end-to-end. Parkins testified that both sites have a cinder base, typically associated with vacant railroad right of ways. In addition, neither has been cropped. Parkins explained Parcel 13-000-20-0881 has been used as a private roadway to move machinery and equipment to other adjoining cropland for the past 45 years. This site is mostly cinder; however, there may be some areas of patchy grass.

Parkins does not understand why both parcels, which are the same size, have different assessments. Additionally, Parkins questions why a 3.27-acre parcel of land owned by the City of Indianola, which lays just west of the subject parcels, is assessed for only \$1100. (Exhibit A).

County Assessor Brian Arnold explained the subject parcels and City-owned parcel have different soil types as shown on soil maps (Exhibit D). The variances between the parcels results in the valuation difference. Iowa law requires agricultural land to be valued based on its productivity and net earning capacity, which applies corn suitability ratings (CSRs) in the valuation process. Because of the different CSRs for each of the individual parcels, the sites have slightly different valuations based on the formula. For example, Parcel 13-000-29-0231 has 142.50 total adjusted CSR points and Parcel 13-000-21-0881 has 213.56 total adjusted CSR points, which accounts for the difference in assessed value.

Arnold also explained that an upcoming change in the law, which will allow non-tillable acres to be valued at a lower rate than simply productivity, but rather based on use. Because the subject sites are not growing crops or used for the grazing of livestock, it may result in a different valuation for the subject parcels in future assessment years. However, at this time, Arnold could not say what that valuation may be.

Conclusions of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). However, new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

The plain language of section 441.37(1)(a)(4), on which Parkins rests his claim, allows a protest on the ground “[t]hat there is an error in the assessment.” § 441.37(1)(a)(4). Section 441.37(1)(a)(4) is not limited solely to clerical or mathematical errors. Parkins generally asserts that the assessment of his agricultural properties include errors related to a determination of the properties productivity. In particular, Parkins argues the properties are not used for either cropland or for grazing livestock. Despite Parkins’ claim, Iowa law requires agricultural land to be valued solely based on its productivity and net earning capacity. § 441.21(1)(e). In determining the productivity and net earning capacity of agricultural real estate, the assessor is required to use available data from Iowa State University, the Iowa crop and livestock reporting service, the Department of Revenue, the *Iowa Real Property Appraisal Manual*, and to consider the results of a modern soil survey, if completed. § 441.21(1)(f); Iowa Admin. Code r. 701-71.3. The assessor is then required to determine the actual value of agricultural property in the jurisdiction and spread the value across the agriculturally classified

parcels in the jurisdiction. r. 701-71.3(1). Parkins' parcels are classified agricultural, which requires that they are valued using the set formula. *See* r. 701-71.3, 701-71.12.

We additionally note that Parkins' concerns may be addressed with the full implementation of the amendment to Iowa Administrative Code Rule 701-71.3(1), which will likely be implemented in Warren County for the 2014 assessment year. We encourage Parkins to consult with the Assessor's Office for the 2014 assessment to determine if the amended rule change will impact the assessment of his parcels.

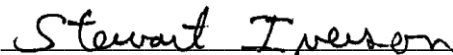
Ultimately, we find Parkins provided insufficient evidence to support its claim that the subject sites have errors in their assessments.

THE APPEAL BOARD ORDERS the January 1, 2013, assessment of Richard Parkins' agriculturally classified parcels located in the Lincoln East map area of Warren County, Iowa, are affirmed.


Dated this 13th day of January, 2013.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

Cc:

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